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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

MARIA GUADALUPE DIAZ; A.D., a  
minor by and through his Guardian Ad  
Litem, MARIA GUADALUPE DIAZ;  
A.D., a minor by and through his  
Guardian Ad Litem, MARIA  
GUADALUPE DIAZ; LEONARDO  
DIAZ; and RAMONA RAMIREZ DE  
DIAZ,

Plaintiffs,

vs.

CITY OF TORRANCE; ARTURO  
CASTILLO; CODY WISSLER; JESUS  
GARCIA; JASON BERMUDEZ; and  
DOES 6-10, inclusive,

Defendants.

Case No. 2:25-cv-03389-JLS (JCx)

**FIRST AMENDED COMPLAINT  
FOR DAMAGES**

1. Unreasonable Search and Seizure—  
Excessive Force (42 U.S.C. § 1983)
2. Unreasonable Search and Seizure—  
Denial of Medical Care (42 U.S.C.  
§ 1983)
3. Substantive Due Process (42 U.S.C.  
§ 1983)
4. Battery (Wrongful Death and  
Survival Damages)
5. Negligence (Wrongful Death and  
Survival Damages)
6. Violation of Bane Act (Cal. Civil  
Code § 52.1)

**DEMAND FOR JURY TRIAL**

**COMPLAINT FOR DAMAGES**

1. Plaintiffs MARIA GUADALUPE DIAZ; A.D., a minor by and through his  
Guardian Ad Litem, MARIA GUADALUPE DIAZ; A.D., a minor by and through

1 his Guardian Ad Litem, MARIA GUADALUPE DIAZ; LEONARDO DIAZ; and  
2 RAMONA RAMIREZ DE DIAZ, for their complaint against Defendants CITY OF  
3 TORRANCE, ARTURO CASTILLO, CODY WISSLER, JESUS GARCIA,  
4 JASON BERMUDEZ and Does 6-10, inclusive, allege as follows:

5 **INTRODUCTION**

6 2. This civil rights action seeks compensatory and punitive damages from  
7 Defendants for violating various rights under state law and the United States  
8 Constitution in connection with the fatal officer involved shooting of Leonardo  
9 Diaz (“DECEDENT”), by members of the Torrance Police Department (“TPD”).

10 **PARTIES**

11 3. At all relevant times, Leonardo Diaz (“DECEDENT”), was an individual  
12 residing in the County of Los Angeles, California.

13 4. Plaintiff MARIA GUADALUPE DIAZ is an individual residing in the  
14 County of Los Angeles, and was the wife of the DECEDENT. MARIA  
15 GUADALUPE DIAZ sues both in her individual capacity as the wife of  
16 DECEDENT and in a representative capacity as a successor-in-interest to  
17 DECEDENT. Plaintiff MARIA GUADALUPE DIAZ seeks both survival  
18 damages, including DECEDENT’s pain and suffering and loss of enjoyment of life  
19 and wrongful death damages under state and federal law.

20 5. Plaintiff A.D. is a minor individual residing in the County of Los Angeles,  
21 California, and is the natural born son to DECEDENT. A.D. sues by and through  
22 his natural mother and Guardian Ad Litem, MARIA GUADALUPE DIAZ. A.D.  
23 sues both in his individual capacity as the son of DECEDENT and in a  
24 representative capacity as a successor-in-interest to DECEDENT. A.D. seeks both  
25 survival and wrongful death damages under federal and state law.

26 6. Plaintiff A.D. is a minor individual residing in the County of Los Angeles,  
27 California, and is the natural born son to DECEDENT. A.D. sues by and through  
28 his natural mother and Guardian Ad Litem, MARIA GUADALUPE DIAZ. A.D.

1   sues both in his individual capacity as the son of DECEDENT and in a  
2   representative capacity as a successor-in-interest to DECEDENT. A.D. seeks both  
3   survival and wrongful death damages under federal and state law.

4       7.   Plaintiff LEONARDO DIAZ is an individual residing in the County of Los  
5   Angeles, California, and is the natural father to DECEDENT. LEONARDO DIAZ  
6   sues in his individual capacity as the father of DECEDENT. LEONARDO DIAZ  
7   seeks wrongful death damages under state and federal law.

8       8.   Plaintiff RAMONA RAMIREZ DE DIAZ is an individual residing in Los  
9   Angeles County, Los Angeles, and is the natural mother to DECEDENT.  
10   RAMONA RAMIREZ DE DIAZ sues in her individual capacity as the mother of  
11   DECEDENT. RAMONA RAMIREZ DE DIAZ seeks wrongful death damages  
12   under state and federal law.

13       9.   At all relevant times, Defendant CITY OF TORRANCE (“CITY”) is and  
14   was a duly organized public entity, form unknown, existing under the laws of the  
15   State of California. At all relevant times, CITY was the employer of Defendants  
16   ARTURO CASTILLO, CODY WISSLER, JESUS GARCIA, and JASON  
17   BERMUDEZ, who were CITY police officers, DOES 5-6, who were CITY police  
18   officers’ supervisory officers, and DOES 7-10, who were managerial,  
19   supervisory, and policymaking employees of the CITY’s police department. On  
20   information and belief, at all relevant times, ARTURO CASTILLO, CODY  
21   WISSLER, JESUS GARCIA, JASON BERMUDEZ, and DOES 6-10 were  
22   residents of the County of Los Angeles, California. ARTURO CASTILLO, CODY  
23   WISSLER, JESUS GARCIA, JASON BERMUDEZ and DOES 6-10 are sued in  
24   their individual capacity for damages only.

25       10.   At all relevant times, Defendants Arturo Castillo, Cody Wissler, Jesus  
26   Garcia, Jason Bermudez and DOES 6-10 were duly authorized employees and  
27   agents of CITY, who were acting under color of law within the course and scope of  
28

1 their respective duties as sheriff's deputies and with the complete authority and  
2 ratification of their principal, Defendant CITY.

3 11. At all relevant times, Defendants Arturo Castillo, Cody Wissler, Jesus  
4 Garcia, Jason Bermudez and DOES 6-10 were duly appointed officers and/or  
5 employees or agents of CITY, subject to oversight and supervision by CITY's  
6 elected and non-elected officials.

7 12. In doing the acts and failing and omitting to act as hereinafter described,  
8 Defendants Arturo Castillo, Cody Wissler, Jesus Garcia, Jason Bermudez and  
9 DOES 6-10 were acting on the implied and actual permission and consent of CITY.

10 13. At all times mentioned herein, each and every CITY defendant was the  
11 agent of each and every other CITY defendant and had the legal duty to oversee and  
12 supervise the hiring, conduct and employment of each and every CITY defendant.

13 14. The true names of defendants DOES 6 through 10, inclusive, are unknown  
14 to PLAINTIFFS, who therefore sue these defendants by such fictitious names.  
15 PLAINTIFFS will seek leave to amend this complaint to show the true names and  
16 capacities of these defendants when they have been ascertained. Each of the  
17 fictitious named defendants is responsible in some manner for the conduct and  
18 liabilities alleged herein.

19 15. On January 28, 2025, PLAINTIFFS served their claims for damages with  
20 CITY pursuant to applicable sections of the California Government Code.

21 16. On February 13, 2025, CITY rejected PLAINTIFFS' claims for damages.  
22

### 23 **JURISDICTION AND VENUE**

24 17. This civil action is brought for the redress of alleged deprivations of  
25 constitutional rights as protected by 42 U.S.C. §§ 1983, 1985, 1986, 1988, and the  
26 Fourth and Fourteenth Amendments of the United States Constitution. Jurisdiction  
27 is founded on 28 U.S.C. §§ 1331, 1343, and 1367.  
28

1 18. Venue is proper in this Court under 28 U.S.C. § 1391(b), because  
2 Defendants reside in, and all incidents, events, and occurrences giving rise to this  
3 action occurred in, the County of Los Angeles, California.  
4

5 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

6 19. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
7 through 18 of this Complaint with the same force and effect as if fully set forth  
8 herein.

9 20. On December 2, 2024, DECEDENT was on the 2900 Block of Oregon  
10 Court, in Torrance. While at this location, Arturo Castillo, Cody Wissler, Jesus  
11 Garcia, and Jason Bermudez discharged their firearms at DECEDENT, striking  
12 him, causing serious physical injury and eventually killing him.

13 21. Arturo Castillo, Cody Wissler, Jesus Garcia, Jason Bermudez and saw that  
14 DECEDENT was injured and bleeding, including from the wrist, prior to the  
15 shooting DECEDENT. These injuries may have been self-inflicted and should  
16 have put the involved officers on notice that DECEDENT likely suffered from  
17 mental illness and was probably having a mental health crisis. It was obvious, or  
18 should have to an objectively reasonable officer, that DECEDENT that may have  
19 been experiencing a mental health crisis prior to the shooting.

20 22. DECEDENT had a flat head screwdriver at the time of the incident and he  
21 was not armed with a knife or gun, during the encounter with police. The  
22 screwdriver in Decedent's hand did not resemble a knife or a gun, and was, or  
23 should have been, easily distinguishable from a knife or a gun, especially since this  
24 incident happened in broad daylight. This screwdriver remained down by  
25 DECEDENT's side and DECEDENT never make any slashing or stabbing motions  
26 with the screwdriver. Further, DECEDENT never physically injured any other  
27 person with the screwdriver, nor did he attempt to do so.  
28

1       23. The DECEDENT was walking at a slow pace at the time of the incident and  
2 he never ran or charged at the involved officers. Further, the officers were behind  
3 cover and were positioned out in the open with plenty of space to safely tactically  
4 reposition themselves if necessary.

5       24. Multiple officers fired their weapons at DECEDENT during the incident  
6 supporting that this was a contagious/sympathetic fire situation.

7       25. DECEDENT never attempted to attack or physically injure any of the  
8 involved officers or anyone else during the incident.

9       26. There were less than lethal alternatives to using deadly force against  
10 DECEDENT, especially since he only had a screwdriver and the involved officers  
11 greatly outnumbered DECEDENT. On information and belief, some of the  
12 involved officers were armed with less-than-lethal weapons such as the beanbag  
13 shotgun and/or the 40mm launcher, taser guns, pepper spray and could have  
14 maintained cover, distance from the DECEDENT and safely tactically  
15 repositioning themselves. DECEDENT was also significantly outnumbered by the  
16 involved officers and he did not physically injure anyone, including the involved  
17 officers, during the incident nor did he attempt to do so.

18       27. DECEDENT did not pose an immediate or imminent threat of death or  
19 serious physical injury to either the involved officers or any other person at the time  
20 of the shooting. DECEDENT was not about to kill or cause serious bodily injury to  
21 anyone when he was fatally shot by the involved officers and DECEDENT never  
22 attempted to disarm or grab any of the officers' weapons. The conduct of  
23 DECEDENT was not immediately life threatening, making the use of deadly force  
24 against him unnecessary.

25       28. On information and belief, after shooting DECEDENT, the involved  
26 officers waited for a significant amount of time before approaching DECEDENT  
27 and providing and/or summoning medical attention for DECEDENT, despite  
28 DECEDENT visibly bleeding profusely from his injuries. The involved officers

1 did not provide timely medical care to DECEDENT, they did not timely summons  
2 medical assistance for DECEDENT, and/or they prevented medical assistance from  
3 being timely provided to DECEDENT.

4 **FIRST CLAIM FOR RELIEF**

5 **Unreasonable Search and Seizure—Excessive Force (42 U.S.C. § 1983)**

6 (By Plaintiffs Maria Guadalupe Diaz, A.D. and A.D. against Defendants Arturo  
7 Castillo, Cody Wissler, Jesus Garcia and Jason Bermudez)

8 29. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
9 through 28 of this Complaint with the same force and effect as if fully set forth  
10 herein.

11 30. The involved officers unjustified shooting deprived DECEDENT of his  
12 right to be secure in his persons against unreasonable searches and seizures as  
13 guaranteed to DECEDENT under the Fourth Amendment to the United States  
14 Constitution and applied to state actors by the Fourteenth Amendment.

15 31. The unreasonable use of force by Arturo Castillo, Cody Wissler, Jesus  
16 Garcia and Jason Bermudez deprived DECEDENT of his right to be secure in his  
17 person against unreasonable searches and seizures as guaranteed to him under the  
18 Fourth Amendment to the United States Constitution and applied to state actors by  
19 the Fourteenth Amendment. This unreasonable and excessive use of force includes  
20 fatally shooting an individual holding a flat-head screwdriver, who was already  
21 visibly injured and bleeding, including bleeding from the wrist from possibly self-  
22 inflicted wounds and displaying obvious signs of possibly suffering from a mental  
23 health crisis. There were also several less than lethal alternatives such as the bean  
24 bag shotgun or 40mm launcher, tasers and pepper spray, maintaining cover and  
25 distance from DECEDENT and tactically re-positioning themselves. DECEDENT  
26 was also significantly outnumbered by the involved police officers and some of the  
27 involved officers did not fire their guns, which further supports that a reasonable  
28 officer under similar circumstances would not have found it appropriate to use



1 deadly force under against DECEDENT.

2 32. As a result, DECEDENT suffered extreme mental and physical pain  
3 and suffering, loss of enjoyment of life and eventually suffered a loss of life and of  
4 earning capacity. Plaintiffs have also been deprived of the life-long love,  
5 companionship, comfort, support, society, care, and sustenance of DECEDENT, and  
6 will continue to be so deprived for the remainder of her natural life.

7 33. As a result of the conduct of Arturo Castillo, Cody Wissler, Jesus  
8 Garcia and Jason Bermudez, they are liable for DECEDENT's injuries, either  
9 because they were integral participants in the excessive force, or because they failed  
10 to intervene to prevent these violations.

11 34. This use of deadly force was excessive and unreasonable under the  
12 circumstances, especially since DECEDENT was only holding a screwdriver, he  
13 never made any slashing or stabbing motions with the screwdriver, he never  
14 physically injured anyone, including with the screwdriver, nor did he attempt to do  
15 so, he did take or try to obtain any of the officers' guns and he did not pose an  
16 immediate threat of death or serious bodily injury at the time of the shooting.  
17 Defendants' actions thus deprived DECEDENT of his right to be free from  
18 unreasonable searches and seizures under the Fourth Amendment and applied to  
19 state actors by the Fourteenth Amendment.

20 35. The conduct of Arturo Castillo, Cody Wissler, Jesus Garcia and Jason  
21 Bermudez was willful, wanton, malicious, and done with reckless disregard for the  
22 rights and safety of DECEDENT and therefore warrants the imposition of  
23 exemplary and punitive damages as to the involved officers.

24 36. Plaintiffs bring this claim as successor-in-interest to the DECEDENT,  
25 and seek both survival damages, including DECEDENT's pain and suffering and  
26 loss of life/enjoyment of life and wrongful death damages for the violation of  
27 DECEDENT's rights.

28 37. Plaintiffs also seek attorney fees under this claim.



**SECOND CLAIM FOR RELIEF**

**Unreasonable Search and Seizure—Denial of Medical Care (42 U.S.C. § 1983)**

(By Plaintiffs Maria Guadalupe Diaz, A.D. and A.D. against Defendants Arturo Castillo, Cody Wissler, Jesus Garcia and Jason Bermudez)

38. Plaintiffs repeat and reallege each and every allegation in paragraphs 1 through 37 of this Complaint with the same force and effect as if fully set forth herein.

39. The denial of medical care by Arturo Castillo, Cody Wissler, Jesus Garcia and Jason Bermudez deprived DECEDENT of his right to be secure in his person against unreasonable searches and seizures as guaranteed to DECEDENT under the Fourth Amendment to the United States Constitution and applied to state actors by the Fourteenth Amendment.

40. As a result, DECEDENT suffered extreme mental and physical pain and suffering and eventually suffered a loss of life and earning capacity. Plaintiffs have also been deprived of the life-long love, companionship, comfort, support, society, care, and sustenance of DECEDENT, and will continue to be so deprived for the remainder of their natural lives. Plaintiffs are also claiming funeral and burial expenses and a loss of financial support.

41. Defendants Arturo Castillo, Cody Wissler, Jesus Garcia and Jason Bermudez knew that failure to provide timely medical treatment to DECEDENT could result in further significant injury or the unnecessary and wanton infliction of pain, but disregarded that serious medical need, causing DECEDENT great bodily harm and death.

42. After shooting DECEDENT multiple times, Arturo Castillo, Cody Wissler, Jesus Garcia and Jason Bermudez did not timely summon medical attention for DECEDENT, who was bleeding profusely and had obvious serious injuries. Arturo Castillo, Cody Wissler, Jesus Garcia and Jason Bermudez also did

1 not allow and prevent responding medical personnel on-scene to timely render  
2 medical aid/assistance to DECEDENT.

3 43. The conduct of Arturo Castillo, Cody Wissler, Jesus Garcia and Jason  
4 Bermudez was willful, wanton, malicious, and done with reckless disregard for the  
5 rights and safety of DECEDENT and therefore warrants the imposition of  
6 exemplary and punitive damages as to Defendants Arturo Castillo, Cody Wissler,  
7 Jesus Garcia and Jason Bermudez.

8 44. Plaintiffs bring this claim as a successors-in-interest to DECEDENT,  
9 and seek both survival and wrongful death damages for the violation of  
10 DECEDENT's rights.

11 45. Plaintiffs also seek attorney's fees under this claim.

12 **THIRD CLAIM FOR RELIEF**

13 **Substantive Due Process (42 U.S.C. § 1983)**

14 (By All Plaintiffs Against Defendants Arturo Castillo, Cody Wissler, Jesus Garcia  
15 and Jason Bermudez)

16 46. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
17 through 44 of this Complaint with the same force and effect as if fully set forth  
18 herein.

19 47. MARIA GUADALUPE DIAZ and had a cognizable interest under the  
20 Due Process Clause of the Fourteenth Amendment of the United States Constitution  
21 to be free from state actions that deprive her of life, liberty, or property in such a  
22 manner as to shock the conscience, including but not limited to, unwarranted state  
23 interference in Plaintiff's familial relationship with her husband, DECEDENT.

24 48. A.D. had a cognizable interest under the Due Process Clause of the  
25 Fourteenth Amendment of the United States Constitution to be free from state  
26 actions that deprive him of life, liberty, or property in such a manner as to shock the  
27 conscience, including but not limited to, unwarranted state interference in Plaintiff's  
28 familial relationship with his father, DECEDENT.

1           49. A.D. had a cognizable interest under the Due Process Clause of the  
2 Fourteenth Amendment of the United States Constitution to be free from state  
3 actions that deprive him of life, liberty, or property in such a manner as to shock the  
4 conscience, including but not limited to, unwarranted state interference in Plaintiff's  
5 familial relationship with his father, DECEDENT.

6           50. LEONARDO DIAZ had a cognizable interest under the Due Process  
7 Clause of the Fourteenth Amendment of the United States Constitution to be free  
8 from state actions that deprive him of life, liberty, or property in such a manner as to  
9 shock the conscience, including but not limited to, unwarranted state interference in  
10 Plaintiff's familial relationship with his son, DECEDENT.

11           51. RAMONA RAMIREZ DE DIAZ had a cognizable interest under the  
12 Due Process Clause of the Fourteenth Amendment of the United States Constitution  
13 to be free from state actions that deprive her of life, liberty, or property in such a  
14 manner as to shock the conscience, including but not limited to, unwarranted state  
15 interference in Plaintiff's familial relationship with her son, DECEDENT.

16           52. As a result of the excessive force by Arturo Castillo, Cody Wissler,  
17 Jesus Garcia and Jason Bermudez and their failure to intervene, DECEDENT died.  
18 Plaintiffs MARIA GUADALUPE DIAZ; A.D., A.D., LEONARDO DIAZ and  
19 RAMONA RAMIREZ DE DIAZ were thereby deprived of their constitutional right  
20 of familial relationship with DECEDENT.

21           53. Arturo Castillo, Cody Wissler, Jesus Garcia and Jason Bermudez,  
22 acting under color of state law, thus violated the Fourteenth Amendment rights of  
23 MARIA GUADALUPE DIAZ; A.D., A.D., LEONARDO DIAZ and RAMONA  
24 RAMIREZ DE DIAZ to be free from unwarranted interference with their familial  
25 relationship with DECEDENT.

26           54. The aforementioned actions of Arturo Castillo, Cody Wissler, Jesus  
27 Garcia and Jason Bermudez, along with other undiscovered conduct, shock the  
28 conscience, in that they acted with deliberate indifference to the constitutional rights

1 of DECEDENT and Plaintiffs MARIA GUADALUPE DIAZ; A.D., A.D.,  
2 LEONARDO DIAZ and RAMONA RAMIREZ DE DIAZ and with purpose to  
3 harm unrelated to any legitimate law enforcement objective.

4 55. Defendants Arturo Castillo, Cody Wissler, Jesus Garcia and Jason  
5 Bermudez, acting under color of state law, thus violated the Fourteenth Amendment  
6 rights of DECEDENT and Plaintiffs.

7 56. As a direct and proximate cause of the acts of Arturo Castillo, Cody  
8 Wissler, Jesus Garcia and Jason Bermudez, DECEDENT experienced severe pain  
9 and suffering and lost his life and earning capacity. Plaintiffs suffered extreme and  
10 severe mental anguish and pain and have been injured in mind and body. Plaintiffs  
11 have also been deprived of the life-long love, companionship, comfort, support,  
12 society, care and sustenance of DECEDENT, and will continue to be so deprived for  
13 the remainder of their natural lives. Plaintiffs are also claiming funeral and burial  
14 expenses.

15 57. As a result of the conduct of Arturo Castillo, Cody Wissler, Jesus  
16 Garcia and Jason Bermudez, they are liable for DECEDENT'S injuries, either  
17 because they were integral participants in the denial of due process, or because they  
18 failed to intervene to prevent these violations.

19 58. The conduct of Arturo Castillo, Cody Wissler, Jesus Garcia and Jason  
20 Bermudez was willful, wanton, malicious, and done with reckless disregard for the  
21 rights and safety of DECEDENT and Plaintiffs and therefore warrants the  
22 imposition of exemplary and punitive damages as to Defendants Arturo Castillo,  
23 Cody Wissler, Jesus Garcia and Jason Bermudez.

24 59. Plaintiffs brings this claim individually and seek wrongful death  
25 damages for the violation of Plaintiffs' rights.

26 60. Plaintiffs also seek attorney fees under this claim.

**FOURTH CLAIM FOR RELIEF**

**Battery (Cal. Govt. Code § 820)**

(Survival and Wrongful Death)

(By All Plaintiffs Against Defendants Arturo Castillo, Cody Wissler and Jesus Garcia, Jason Bermudez and CITY)

61. Plaintiffs repeat and realleges each and every allegation in paragraphs 1 through 60 of this Complaint with the same force and effect as if fully set forth herein.

62. Arturo Castillo, Cody Wissler, Jesus Garcia and Jason Bermudez, while working as police officers for the CITY's police department, and while acting within the course and scope of their duties, intentionally shot DECEDENT. As a result of the actions of Arturo Castillo, Cody Wissler, Jesus Garcia and Jason Bermudez, DECEDENT suffered severe pain and suffering and ultimately died from his injuries and lost earning capacity. Arturo Castillo, Cody Wissler, Jesus Garcia and Jason Bermudez had no legal justification for using force against DECEDENT and said defendants' use of force while carrying out their police officer duties was an unreasonable use of force. DECEDENT was walking at a slow pace during the incident, he never ran or charged at the involved officers, DECEDENT was already injured and appeared to be suffering from self-inflicted wounds, including bleeding from the wrist, when police encountered DECEDENT, and the involved officers saw DECEDENT displaying obvious signs of suffering from a possible mental health crisis prior to the shooting. Further, DECEDENT never physically injured another person during the incident, nor did he attempt to do so, and there were several less than lethal alternatives to using deadly force against DECEDENT.

63. As a direct and proximate result of Defendants' conduct as alleged above, Plaintiffs suffered extreme and severe mental anguish and pain and have been injured in mind and body. Plaintiffs also have been deprived of the life-long love, companionship, comfort, support, society, care and sustenance of the DECEDENT, and will continue to be so deprived for the remainder of their natural

1 lives. Plaintiffs are also claiming funeral and burial expenses and loss of financial  
2 support.

3 64. CITY is vicariously liable for the wrongful acts of Arturo Castillo,  
4 Cody Wissler, Jesus Garcia and Jason Bermudez pursuant to section 815.2(a) of the  
5 California Government Code, which provides that a public entity is liable for the  
6 injuries caused by its employees within the scope of the employment if the  
7 employee's act would subject him or her to liability.

8 65. The conduct of Arturo Castillo, Cody Wissler, Jesus Garcia and Jason  
9 Bermudez was malicious, wanton, oppressive, and accomplished with a conscious  
10 disregard for the rights of Plaintiffs and DECEDENT, entitling Plaintiffs,  
11 individually and as successors-in-interest to DECEDENT, to an award of exemplary  
12 and punitive damages.

13 66. Plaintiffs bring this claim both individually and as a successors-in-  
14 interest to DECEDENT, and seek both survival damages, including pre-death pain  
15 and suffering, loss of life/enjoyment of life and wrongful death damages under this  
16 claim.

17 **FIFTH CLAIM FOR RELIEF**  
18 **Negligence (Cal. Govt. Code § 820)**  
19 **(Survival and Wrongful Death)**  
20 **(By All Plaintiffs Against All Defendants)**

21 67. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
22 through 59 of this Complaint with the same force and effect as if fully set forth  
23 herein.

24 68. The actions and inactions of the Defendants were negligent and  
25 reckless, including but not limited to:

- 26 (a) the failure to properly and adequately assess the need to detain,  
27 arrest, and use force or deadly force against DECEDENT;  
28

- (b) the negligent tactics and handling of the situation with DECEDENT, including pre-shooting negligence;
- (c) the negligent detention, arrest, and use of force, including deadly force, against DECEDENT;
- (d) the failure to recognize that DECEDENT was possibly suffering from a mental health crisis;
- (d) failure to recognize that DECEDENT was holding a flathead screwdriver and not a weapon such as a knife or a gun;
- (e) the failure to use less than lethal alternatives to deadly force that were readily available to the involved officers;
- (e) the failure to summons and provide prompt medical care to Decedent;
- (f) the failure to properly train and supervise employees, both professional and non-professional, including Arturo Castillo, Cody Wissler, Jesus Garcia and Jason Bermudez;
- (g) the failure to ensure that adequate numbers of employees with appropriate education and training were available to meet the needs of and protect the rights of DECEDENT; and
- (h) the negligent handling of evidence and witnesses.

69. As a direct and proximate result of Defendants' conduct as alleged above, and other undiscovered negligent conduct, DECEDENT was caused to suffer severe pain and suffering and ultimately died and lost earning capacity. Further, as a direct and proximate result of Defendants' conduct as alleged above, Plaintiffs suffered extreme and severe mental anguish and pain and have been injured in mind and body. Plaintiffs also have been deprived of the life-long love, companionship, comfort, support, society, care and sustenance of DECEDENT, and will continue to be so deprived for the remainder of their natural lives. Plaintiffs also are claiming funeral and burial expenses and loss of financial support.



1           70. CITY is vicariously liable for the wrongful acts of Arturo Castillo,  
2 Cody Wissler, Jesus Garcia and Jason Bermudez pursuant to section 815.2 of the  
3 California Government Code, which provides that a public entity is liable for the  
4 injuries caused by its employees within the scope of the employment if the  
5 employee's act would subject him or her to liability.

6           71. Plaintiffs bring this claim both individually and as successor in interest  
7 to DECEDENT and seek both wrongful death damages and survival damages under  
8 this claim, including pre-death pain and suffering.

9  
10                                   **SIXTH CLAIM FOR RELIEF**

11                                   **Violation of Bane Act (Cal. Civil Code § 52.1)**

12           (By All Plaintiffs Against Arturo Castillo, Cody Wissler, Jesus Garcia, Jason  
13                                   Bermudez and City)

14           72. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
15 through 64 of this Complaint with the same force and effect as if fully set forth  
16 herein.

17           73. California Civil Code, Section 52.1 (the Bane Act), prohibits any  
18 person from interfering with another person's exercise or enjoyment of his  
19 constitutional rights by threats, intimidation, or coercion.

20           74. Conduct that violates the Fourth Amendment can also amount to  
21 conduct that violates the California Bane Act. The involved officers' conduct,  
22 including the use of deadly force, constitutes threatening and intimidating behavior,  
23 meant to prevent DECEDENT from exercising both her federal and state rights.

24           75. Defendants' Arturo Castillo, Cody Wissler, Jesus Garcia and Jason  
25 Bermudez use of deadly force was excessive and unreasonable under the  
26 circumstances, especially since DECEDENT was only holding a flathead  
27 screwdriver and was not armed with a weapon like a knife or a gun and was walking  
28 at a slow pace and never ran or charged at the involved officers. DECEDENT also

1 never made any slashing or stabbing motions with the screwdriver nor did he try to  
2 injury any other person with the screwdriver. Further, DECEDENT never caused or  
3 attempted to cause bodily harm to anyone else, including the involved officers  
4 during the incident and he never attempted to obtain any of the involved officers'  
5 equipment or guns. Further, DECEDENT did not pose an imminent threat of death  
6 or serious bodily injury towards anyone when he was fatally shot and there were less  
7 than lethal alternatives available which were not utilized before resorting to the use  
8 of deadly force. DECEDENT was also displaying obvious signs of suffering from a  
9 mental health crisis, including bleeding from what appeared to be self-inflicted  
10 wounds to his wrist, Defendants' actions thus deprived DECEDENT of his right to  
11 be free from unreasonable searches and seizures and to be free from having  
12 unreasonable and excessive force used against him. Defendants' actions violated  
13 DECEDENT's state and federal rights, including the right to be free from the use of  
14 excessive and unreasonable force. Further, the involved officers acted with a  
15 reckless disregard of constitutional and statutory rights of the DECEDENT,  
16 including the right to be free from having unreasonable and excessive deadly force  
17 used against him.

18       76. The involved officers intentionally used excessive and unreasonable  
19 deadly force against DECEDENT by recklessly disregarding the DECEDENT's  
20 right to be free from excessive force.

21       77. Arturo Castillo, Cody Wissler, Jesus Garcia and Jason Bermudez ,  
22 while working as police officers for the CITY's police department, and acting  
23 within the course and scope of their duties, interfered with or attempted to interfere  
24 with the rights of DECEDENT to be free from unreasonable searches and seizures,  
25 to equal protection of the laws, to access to the courts, and to be free from state  
26 actions that shock the conscience, by threatening or committing acts involving  
27 violence, threats, coercion, or intimidation.

1           78. On information and belief, DECEDENT reasonably believed that if he  
2 exercised his rights, including his federal civil rights and state law rights, Arturo  
3 Castillo, Cody Wissler, Jesus Garcia and Jason Bermudez would commit acts  
4 involving violence, threats, coercion, or intimidation against him.

5           79. On information and belief Defendants Arturo Castillo, Cody Wissler,  
6 Jesus Garcia and Jason Bermudez injured DECEDENT to prevent him from  
7 exercising his rights or retaliated against Decedent for having exercised his rights.

8           80. DECEDENT was caused to suffer extreme pain and suffering and  
9 eventually suffered a loss of life and of earning capacity. Plaintiffs have also been  
10 deprived of the life-long love, companionship, comfort, support, society, care, and  
11 sustenance of DECEDENT, and will continue to be so deprived for the remainder of  
12 her natural life. Plaintiffs are also claiming funeral and burial expenses and a loss of  
13 financial support.

14           81. The conduct of Arturo Castillo, Cody Wissler, Jesus Garcia and Jason  
15 Bermudez was a substantial factor in causing the harms, losses, injuries, and  
16 damages of DECEDENT and Plaintiffs.

17           82. CITY is vicariously liable for the wrongful acts of Arturo Castillo,  
18 Cody Wissler, Jesus Garcia and Jason Bermudez pursuant to section 815.2(a) of the  
19 California Government Code, which provides that a public entity is liable for the  
20 injuries caused by its employees within the scope of the employment if the  
21 employee's act would subject him or her to liability.

22           83. The conduct of Arturo Castillo, Cody Wissler, Jesus Garcia and Jason  
23 Bermudez was malicious, wanton, oppressive, and accomplished with a conscious  
24 disregard for the rights of DECEDENT entitling Plaintiffs to an award of exemplary  
25 and punitive damages.

26           84. Plaintiffs bring this claim in a representative capacity as the successors-  
27 in-interest to DECEDENT, and seek survival damages, including for pre-death pain  
28

1 and suffering and loss of life/enjoyment of life for the violation of DECEDENT's  
2 rights.

3 85. The Plaintiffs also seek statutory attorney's fees under this claim,  
4 including a multiplier as permitted by law.

5  
6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiffs request entry of judgment in her favor and against  
8 Defendants City of Torrance, Arturo Castillo, Cody Wissler, Jesus Garcia, Jason  
9 Bermudez and Does 6-10, inclusive, as follows:

- 10 A. For compensatory damages, including both survival damages,  
11 including pain and suffering and loss of life/enjoyment of life  
12 and wrongful death damages under state law and federal law, in  
13 the amount to be proven at trial;  
14 B. For funeral and burial expenses and loss of financial support;  
15 C. For punitive damages against the individual defendants in an  
16 amount to be proven at trial;  
17 D. For interest;  
18 E. For treble damages under Civil Code Section 52.1.  
19 F. For reasonable costs of this suit and attorneys' fees; and  
20 G. For such further other relief as the Court may deem just, proper,  
21 and appropriate.

22  
23 DATED: October 8, 2025

LAW OFFICES OF DALE K. GALIPO

24  
25 By /s/ Eric Valenzuela

26 Dale K. Galipo

27 Eric Valenzuela

28 Attorneys for Plaintiffs

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a trial by jury.

DATED: October 8, 2025

LAW OFFICES OF DALE K. GALIPO

By /s/ Eric Valenzuela

Dale K. Galipo

Eric Valenzuela

Attorneys for Plaintiffs